

SENATE BILL No. 737

February 19, 1992, Introduced by Senators BOUCHARD, STABENOW, V. SMITH, EMMONS, HONIGMAN, DI NELLO and WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 136b of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as added by Act No. 251 of the Public Acts of 1988, being section 750.136b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 136b of Act No. 328 of the Public Acts
2 of 1931, as added by Act No. 251 of the Public Acts of 1988,
3 being section 750.136b of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 136b. (1) As used in this section:

6 (a) "Child" means a person who is less than 18 years of age
7 and is not emancipated by operation of law as provided in
8 section 4(1) of Act No. 293 of the Public Acts of 1968, being
9 section 722.4 of the Michigan Compiled Laws.

1 (b) "Omission" means a willful failure to provide the food,
2 clothing, or shelter necessary for a child's welfare, ALLOWING A
3 CHILD TO BE SUBJECTED TO CHILD ABUSE, or the willful abandonment
4 of a child.

5 (c) "Person" means a child's parent or guardian or any other
6 person who cares for, has custody of, or has authority over a
7 child regardless of the length of time that ~~a~~ THE child is
8 cared for BY, in the custody of, or subject to the authority of
9 that person.

10 (d) "Physical harm" means any injury to a child's physical
11 condition.

12 (e) "Serious physical harm" means an injury of a child's
13 physical condition or welfare that is not necessarily permanent
14 but constitutes substantial bodily disfigurement, or seriously
15 impairs the function of a body organ or limb.

16 (f) "Serious mental harm" means an injury to a child's
17 mental condition or welfare that is not necessarily permanent but
18 results in visibly demonstrable manifestations of a substantial
19 disorder of thought or mood ~~which~~ THAT significantly impairs
20 judgment, behavior, capacity to recognize reality, or ability to
21 cope with the ordinary demands of life.

22 (2) A person is guilty of child abuse in the first degree if
23 the person knowingly or intentionally causes serious physical or
24 serious mental harm to a child. Child abuse in the first degree
25 is a felony punishable by imprisonment for not more than 15
26 years.

1 (3) A person is guilty of child abuse in the second degree
2 if the person's omission causes serious physical harm or serious
3 mental harm to a child or if the person's reckless act causes
4 serious physical harm to a child. Child abuse in the second
5 degree is a felony punishable by imprisonment for not more than 4
6 years.

7 (4) A person is guilty of child abuse in the third degree if
8 the person knowingly or intentionally causes physical harm to a
9 child. Child abuse in the third degree is a misdemeanor punish-
10 able by imprisonment for not more than 2 years.

11 (5) A person is guilty of child abuse in the fourth degree
12 if the person's omission or reckless act causes physical harm to
13 a child. Child abuse in the fourth degree is a misdemeanor pun-
14 ishable by imprisonment for not more than 1 year.

15 (6) This section shall not be construed to prohibit a parent
16 or guardian, or other person permitted by law or authorized by
17 the parent or guardian, from taking steps to reasonably disci-
18 pline a child, including the use of reasonable force.